



MICHIGAN'S
NORTHERN BORDER CROSSING PROPOSAL
The Dual-Purpose Driver's License

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Toward A More Secure America

When Congress passed and President Bush signed into law the Western Hemisphere Travel Initiative (WHTI) and the REAL ID Act, the goal was to prevent the United States from ever experiencing another day like September 11, 2001.

Although the intent was clear, many concerns and unanswered questions still exist for both of these anti-terrorism measures. Specifically – how will states implement and enforce these very similar laws?

As early as January 1, 2008, WHTI will require anyone who enters the United States via land or sea, including U.S. citizens, to show a passport or other accepted document. Border states fear a negative impact on trade and tourism as would-be travelers decide to forego the hassle and expense of obtaining a passport or proposed “PASS card” issued by the U.S. Department of State.

States are also legitimately anxious about implementing the REAL ID Act by May 2008. The Act mandates that a state driver's license or ID card cannot be used for *any federal purpose* (including boarding an airplane) unless it meets specific federal requirements.

States have yet to see final rules that will help guide implementation of the Act. These rules are critical for states to develop timelines, costs and funding plans.

These concerns should not dissuade us from moving forward to accomplish the goal that WHTI and REAL ID seek: a more secure America. It is indisputable that we need to improve the security of our identification system and close the loopholes that terrorists may exploit to cause us harm.



Michigan's Proposal

The Michigan Department of State proposes a dual-purpose driver's license/personal identification card that would combine the convenience and familiarity of a license with the secure technology of a passport. Such a document would:

- Harmonize the requirements of WHTI and REAL ID in one card
- Improve border security and make entering the country tougher for terrorists
- Allow Michigan residents who are U.S. citizens to travel back and forth to Canada quickly and easily
- Meet security goals without hampering commerce
- Verify whether a person is a citizen of the United States
- Cost citizens significantly less than a passport or the proposed PASS card

Unlike other proposals for “optional” or “enhanced” driver's licenses, we are simply proposing using a REAL ID compliant license with the addition of citizenship information as acceptable documentation under WHTI. The approach effectively combines the requirements and overall goals of REAL ID and WHTI.

Rather than issuing the “enhanced licenses” for an additional fee, we recommend that all Michigan licenses and ID cards meet these requirements. Making all DL/ID cards compliant for travel to Canada will promote travel and trade between the U.S. and Canada. It also will encourage casual and last-minute trips to Canada.

How It Can Work

Even before passage of the REAL ID Act and WHTI, Michigan was planning to upgrade its technology infrastructure as well as its driver's license and ID card issuance system. In 2003, the Michigan Legislature committed over \$30 million to revamp the state's outdated technology and process for the issuance of these cards.

When the REAL ID Act was passed, the department immediately began incorporating the known requirements of REAL ID into the business requirements of the new system. This positions the department well to quickly incorporate additional requirements when the final rules are released.

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While REAL ID compliant licenses will meet a stringent security standard, they still require an indicator of citizenship to make them an appropriate card for border crossing purposes.

Under the REAL ID Act, individuals renewing their driver's license and ID cards must show an original birth certificate, which will be scanned and electronically stored. Although the Department of State has manually verified the authenticity of birth certificates for many years, the REAL ID Act requires department employees to electronically authenticate these birth certificates with the issuing agency.

To comply, we are building this function into our new issuance process and are working to establish links with the Michigan Department of Community Health to help with online verification. For those with birth certificates we can verify, we will capture the status of U.S. citizenship. This data will be stored on our system electronically for access by those with proper authorization, but not displayed or encoded on the card itself.

If the birth certificate cannot be verified, the individual will be notified and the license will be invalid for travel to Canada. Under these circumstances, individuals would need a U.S. passport or other proper document.

Homeland Security officials at the border could be given access to Michigan's LEIN (Law Enforcement Information Network), where bar code readers could be easily used to scan and validate driver's license and ID cards. In addition, if citizenship data is held in Michigan Department of State databases, this information could be shared through a similar validation process.



Toward A More Secure America

To implement this program the following would need to occur:

- 1 Pass federal law or rules that allow for the use of licenses or identification cards meeting a given criteria to be used for travel to and from Canada. These criteria could be as simple as a REAL ID compliant card, where states collect citizenship information that can be accessed by federal border agents.
- 2 Develop an agreement with Canada to allow for the acceptance of a WHTI/REAL ID compliant driver's license for border crossing purposes.
- 3 Change Michigan laws to comply with the REAL ID Act after final federal rules are released.
- 4 Change Michigan laws to allow the Department of State to collect citizenship data.
- 5 Complete the modernization of the Michigan Department of State computer system that includes:
 - a. Scanning and storing images of original identity documents (including birth certificates).
 - b. Real-time verification of Michigan birth certificates and the ability to verify out-of-state birth certificates via the Electronic Verification of Vital Events Records (EVVERS) system as it becomes available. *EVVERS is currently under development.*
 - c. Real-time verification of Social Security numbers.
- 6 Install bar code readers and other technology at the border to validate cards and check citizenship.
- 7 Begin issuing compliant licenses in conjunction with REAL ID in 2008.

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Frequently Asked Questions (FAQs)

Q: Why not just encourage Michigan residents to get a passport or the proposed PASS card from the U.S. Department of State?

A: There is no question that individuals who need to travel to and from Canada on a regular basis would take advantage of these programs. However, in Michigan, much of the travel is last-minute and does not involve trips planned 6-8 weeks in advance (the time needed to obtain a passport).

It is not uncommon for an individual in Detroit to decide to go to Windsor for lunch or dinner. In addition, passport and PASS card options are expensive. Consider a family of four going to Canada for a vacation or a youth hockey camp – at a cost of nearly four hundred dollars for passports alone. Suddenly, traveling outside our border requires a hefty financial investment for some families and travelers.

Q: Does adding more crossings between Michigan and Canada or adding expedited lanes – like Nexus – speed things up?

A: Unlike many states, Michigan's border crossings are by bridge or tunnel – which do not easily accommodate additional lanes without massive cost and planning. Even today, it is not uncommon during peak times for vehicles to be backed up into tunnels or on bridges long before the exit lanes.

Under Michigan's dual-purpose driver's license proposal, a quick swipe of a driver's license would keep traffic moving. This would provide relief to commercial vehicles waiting behind people without proper documents. Blocked bridges and tunnels due to an unwieldy process is also a safety concern, and this proposal will help keep backups to a minimum.

Q: Is the U.S. Department of State the only agency that can adjudicate citizenship?

A: The federal government has authorized states to determine citizenship for the most fundamental right in democracy: voting. States and local units of government are currently responsible for voter registration. Also, the “front line” of passport issuance is currently coordinated by Michigan’s county clerks. The most basic way to check citizenship – and the process currently used by the U.S. Department of State – is to review original birth certificates. Michigan Secretary of State employees regularly review birth certificates on a daily basis and are educated on detecting fraudulent documents. Under the REAL ID Act, birth certificates must be electronically verified before a license or identification card can even be issued.

The federal REAL ID Act gives states the ability to determine identity and decide who can board a commercial aircraft or enter a federal facility. If a REAL ID compliant license or identification card is good enough for these purposes, why isn’t it good enough to enter the U.S. by land? In fact, the requirements to get a state issued REAL ID Act compliant license or identification card are very similar and in some ways more stringent than getting a U.S. passport.

Q: Will collecting citizenship information by the state lead to discrimination against those who are non-citizens?

A: Citizenship can be collected and kept electronically without being displayed or even encoded on the bar codes on the driver’s license and identification cards. Access to this data can be limited to only those with the authority to view it, such as law enforcement.

Q: Is there a serious movement to repeal the REAL ID Act and/or serious doubt as to when it will take effect?

A: Whether or not the REAL ID Act goes into effect *doesn’t solve the border crossing issue*, which is mandated by WHTI. The goal is to have a standard format for a secure driver’s license and/or identification card for border crossing. The worse case scenario would be to have two separate standards: one for a REAL ID Act compliant license, and another for crossing to Canada. If the REAL ID Act were repealed, we would seek guidance on what would be required for Michigan’s driver’s license or identification card to be an acceptable document for border crossing purposes.

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Q: Why is this an important issue to Michigan and Canada?

A: In Michigan, trade with Canada averages more than \$1 billion per week and approximately 16 million people cross from Canada into our state by passenger vehicle each year. The Great Lakes State is Canada's top U.S. trading partner and could suffer dire economic consequences if complicated border travel restrictions are imposed.

U.S. and Canadian citizens have historically been allowed to cross by land into each other's country relatively quickly and easily. Americans generally need no more than a valid driver's license at the border. Canadians need a license and birth certificate. Spontaneous one-day trips are common. Border community residents cross back and forth on a regular basis for employment, youth sporting events, religious services, recreation and other activities as a part of their daily lives. The ability to take such trips will drastically change under WHTI, which demands more sophisticated identification at the border.

Due to the relative expense and difficulty in obtaining a passport, the new requirement will almost certainly discourage significant numbers of people from crossing the border. In fact, Niagara Falls- and Windsor-area businesses have already reported losses due to tourists canceling trips under the mistaken belief that the tougher ID law is already in effect. Destinations in Michigan are likely being affected as well.

According to a report released by the Canadian Tourism Commission last year, decreased border travel and spending due to a passport requirement would cost the United States \$785 million and Canada \$1.7 billion over three years.

For more information, contact:



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